

HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE

and

HON'BLE SHRI JUSTICE G.BHAVANI PRASAD

W.A.NO.442 OF 2006

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Between:

Dr.B.Rama Reddy

..... Appellant

AND

The State of A.P. represented by its Chief Secretary,

Secretariat Buildings, Hyderabad.

and 3 others.

.....Respondents

::JUDGMENT::

Counsel for the Appellant : Sri M.N.Narsimha Reddy

**Counsel for Respondent Nos.1&2 : The Government Pleader
for Medical, Health and
Family Welfare**

Counsel for Respondent No. 3 : Sri B.Adinarayana Rao

Counsel for Respondent No. 4 : Sri N.Krishna Rao

Dated 27/4/2006

Per Sri G.S.Singhvi, CJ

Feeling dissatisfied with order dated 21.3.2006 passed by the learned Single Judge in Writ Petition No.24349 of 2005, the appellant has filed this appeal with the primary object of ousting respondent No.3 Dr. C. Nageswara Rao from the post of Chairman, Andhra Pradesh Medical Council (for short 'the Council').

In the writ petition filed by him, the appellant had prayed for issue of a direction to respondent Nos.1 and 2 to constitute a regular Medical Council in terms of Section 3(1) of the Andhra Pradesh Medical Practitioners Registration Act, 1968 (for short 'the Act') by giving effect to G.O.Ms.No. 251, Health, Medical and Family Welfare (K1) Department, dated 06.05.1999. The appellant claimed that even though he had been elected as one of the members of the Council in terms of Section 3(2)(b) of the Act, on account of interim orders passed in Writ Petition Nos. 10882, 11971 and 12429 of 1999, the elected body of the State Council could not function.

The learned Single Judge took cognizance of the fact that term of elected Council has already expired long back and held that relief in terms of the prayer made in the writ petition cannot be granted. However, keeping in view the fact that action had not been initiated by the concerned authorities for constitution of fresh Council, the learned Single Judge disposed of the writ petition with a direction to respondent No.2 to take immediate steps for constitution of the Council in terms of

Section 3(1) of the Act, as expeditiously as possible, preferably within a period of three months.

We have heard learned counsel for the parties and perused the record.

Although the direction given by the learned Single Judge, to say the least, is most innocuous, the appellant is not satisfied with it. He is not satisfied even with the statement made by Sri B.Adinarayana Rao, advocate representing respondent No.3 Dr.C.Nageswar Rao, who is presently holding the post of Chairman that his client is not at all interested in continuing as Chairman of the Council and he will not contest the forthcoming elections as also the statement made by the learned Government Pleader for Medical and Health that elections to the Council will be held as per the directions of the learned Single Judge.

Sri M.N.Narasimha Reddy, learned counsel for the appellant says that the Court should direct the constitution of an adhoc committee to supervise the functioning of the Council for a period of two months during which the elections are proposed to be held.

In our opinion, the submission made by the learned counsel is wholly meritless and deserves to be rejected. Once the Government has, in compliance of the direction given by the learned Single Judge, initiated steps for holding fresh elections to the council, there is no warrant for the Court's intervention in the matter and in any case, there is no justification for issue of a direction for constitution of a fresh adhoc committee.

With the above observations, the appeal is dismissed.

As a sequel to dismissal of the appeal, W.A.M.P.No.975 of 2006 filed by the appellant for grant of interim relief is also dismissed.

G.S.SINGHVI, CJ

G.BHAVANI PRASAD,J

Msv/ksld

27.04.2006